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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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10 IN RE: SOCIAL MEDIA ADOLESCENT
11 ADDICTION/PERSONAL INJURY
12 PRODUCTS LIABILITY LITIGATION

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

13 THIS DOCUMENT RELATES TO:
14 ALL ACTIONS

**[PROPOSED] ORDER RE JOINT
DISCOVERY LETTER BRIEF ON
PLAINTIFFS' RFP NOS. 16 AND 18
TO GOOGLE LLC AND YOUTUBE,
LLC (DKT. NO. 1197)**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

1 The Court hereby ORDERS the following regarding PI/SD Plaintiffs' Requests for
2 Production ("RFP") Nos. 16 and 18 to Defendants YouTube, LLC and Google, LLC (together,
3 "Defendants"), pursuant to the Court's Discovery Management Conference on October 24, 2024.

4 a) With regard to RFP No. 16, which seeks "[d]ocuments sufficient to show all
5 features, classifiers, data sets, dimensions, and/or demographics that [Defendants]
6 use to categorize users of, or accounts on, [the YouTube Platform] [,]" Plaintiffs
7 have agreed to limit this RFP to three categories (user research, advertising, and
8 growth teams) and YouTube claims lack of relevance and undue burden.
9 Accordingly, the Parties are directed to meet and confer on the following:

10 i) Plaintiffs are directed to identify to Defendants the existing document
11 custodians within the above three categories (user research, advertising,
12 growth) who Plaintiffs believe are likely to possess documents responsive
13 to RFP 16.

14 ii) The Parties will meet and confer in the event that Defendants object to
15 Plaintiffs' list of identified document custodians, to reach agreement on the
16 custodians that YouTube will consult pursuant to section (iii) below. To the
17 extent any dispute remains, the Parties will update the Court in the
18 November Discovery Management Conference Statement.

19 iii) YouTube, in turn, will consult with each agreed upon or Court-ordered
20 identified custodian regarding the existence of non-privileged schemas,
21 protos, software architecture documents (excluding source code),
22 demographic surveys, user questionnaires, or other like documents that
23 identify or describe all, or a substantial number, of the categories used by
24 YouTube to categorize users for purposes of user research, advertising,
25 and/or engagement.

26 iv) YouTube shall produce, subject to section (v) below, any non-privileged
27 unproduced documents that the consulted custodians identify, are
28 responsive to Plaintiffs' RFP 16, and can be located.

1 v) To the extent that Defendants cannot locate a responsive non-privileged
2 unproduced document that a consulted custodian identified or otherwise
3 object to production of such a document as unduly burdensome or
4 disproportional, the Parties will meet and confer to reach agreement on the
5 scope of production of documents responsive to RFP No. 16. To the extent
6 any dispute remains, the Parties will update the Court in the November
7 Discovery Management Conference Statement.

8 vi) YouTube shall not limit production of responsive documents, in particular
9 user surveys and questionnaires, to only those that relate to “minors”.

10 b) With regard to RFP No. 18, which seeks documents that “constitute, identify,
11 describe, or discuss any analysis of the demographics of users of [the YouTube
12 Platform] [.]” the Parties have reached agreement as to this RFP with respect to
13 production of responsive documents relating to age and gender, but have not
14 reached agreement as to production of race/ethnicity demographics. Accordingly,
15 the Parties are directed to meet and confer as follows regarding production of
16 responsive documents pertaining to race/ethnicity:

17 i) Plaintiffs are directed to identify to Defendants (1) the types of documents
18 regarding analyses of race and/or ethnicity that they are seeking through this
19 Request; and (2) the existing document custodians who Plaintiffs believe
20 are likely to possess those types of documents responsive to RFP 18, as it
21 relates to race/ethnicity.

22 ii) The Parties will meet and confer in the event that Defendants object to
23 Plaintiffs’ identification of document types and/or list of identified
24 document custodians, including based on burden or proportionality, to reach
25 agreement on the scope of a search of documents responsive to RFP No. 18.
26 To the extent any dispute remains, the Parties will update the Court in the
27 November Discovery Management Conference Statement.
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- 1 iii) YouTube, in turn, will consult with each agreed upon or Court-ordered
2 identified custodian regarding the existence of non-privileged responsive
3 documents regarding race/ethnicity demographic analysis conducted by
4 YouTube.
- 5 iv) YouTube shall produce, subject to any limitations agreed to in (ii) above
6 and subject to section (v) below, any non-privileged documents that the
7 consulted custodians identify, that are responsive to Plaintiffs' RFP 18
8 concerning analyses of race and/or ethnicity, and can be located.
- 9 v) To the extent that Defendants cannot locate a responsive non-privileged
10 unproduced document that a consulted custodian identified or otherwise
11 object to production of such a document as unduly burdensome or
12 disproportional, the Parties will meet and confer to reach agreement on the
13 scope of production of documents responsive to RFP No. 18. To the extent
14 any dispute remains, the Parties will update the Court in the November
15 Discovery Management Conference Statement.
- 16 c) With respect to both RFP 16 and 18, to the extent YouTube has found through its
17 reasonable search and collection in this case any documents that are responsive to
18 either Request but have not been produced because they did not fall within the
19 scope of YouTube's prior agreement to produce, it should produce them.
- 20 d) The Parties will provide an update regarding RFP Nos. 16 and 18 in the November
21 Discovery Management Statement.

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23 **IT IS SO ORDERED**

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26 DATE: _____

Hon. Peter H. Kang
United States District Court Magistrate Judge

1 DATED: October 30, 2024

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18 DATED: October 30, 2024

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14 *Attorneys for Plaintiffs*

15 **ATTESTATION**

16 I, Lauren Gallo White, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1(i)(3), that the
17 concurrence to the filing of this document has been obtained from each signatory hereto.

18 Dated: October 30, 2024

19 By: /s/ Lauren Gallo White
20 Lauren Gallo White